Government of Maharashtra

Revenue and Forest Department

Government Circular No.: DIPP/TFTP/CR NO.21/ F-6

Mantralaya, Mumbai- 400 032

Date: 27th April, 2017

Read with :-

1) Development Commissioner (Industries) Letter No.DI/DC(I)/DIPP/ 2015/ B-10059 Dated 8.10.2015
2) Revenue and Forest Department's Letter No.FLD-2015/C.R.316/F-10 Dated 16.10.2015
3) Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur's Letter No.Desk-25/Baithak/C.R.137/ 390/ 2015-16 Date 29.10.2015 and Dated 14.03.2017
4) Development Commissioner (Industries)'s Letter No.DI/DC(I)/DIPP-340/2016) A-2538 dated 16.11.2015 and 21.03.2016
5) Development Commissioner (Industries) Letter No.DI/DC(I)/MAITRI/ 2016/A-1173 dated 22.11.2016
6) Revenue and Forest Department's Letter No.TRS-01/2017/C.R.21/F-6 Dated 9.2.2017

Introduction -

1. **Ease of Doing Business** - The guidelines for simplification of process for Tree-felling Permission and Transit Permission under the provisions of relevant Acts and Rules is being issued herewith. These guidelines shall be called Ease of Doing Business-Guidelines for Tree Felling and Transit Permission.

2. The Government of Maharashtra has been taking a number of measures to

promote rapid industrialization of the State with a view to accelerate economic growth coupled with employment generation. Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, Government of India, has communicated a Reform Action Plan on Ease of Doing Business and informed that the States will be ranked based on the measures taken to operationalize the Reform Action Plan. One of the important reforms relates to the ease with which permission for felling of trees is accorded while establishing new industry in order to facilitate "Ease of Doing Business" in Maharashtra. The Reform Action Plan has identified certain issues relating to tree-felling permission that relates to the Forest Department.

In the State of Maharashtra tree felling permission (i.e. excluding urban areas) is the issued by the tree authority i.e. Range Forest Officer under “The Maharashtra Felling of Trees (Regulation) Act, 1964. The tree felling permission is required only in case of tree species mentioned in the schedule in the Act. The number of species for which felling permission is required are 15 species ***** which are - 1) Tamarindus chebula(Hirda) 2) Teak (Tectona grandis) 3) Madhuca latifolia (Mahua, Moha) 4) Mangifer indica (Mango)(excluding grafted mango) 5) Acacia catechu(Khair) 6) Sandal (Santalum album) 7) Pterocarpus marsupium (Bija) 8) Adiana Cordifolia (Haldu) 9) Ougenia dalbergoidus (Tiwas), 10) Terminalia tomentosa (Ain) 11) Terminalia paniculata (kinjal), 12) Hardwiclia binata (Anjan) 13) Sygegium cumini (Jambhul) 14) Mangroove Species and 15) Amruta (Narkya) (Notopodytes nimmoniana/Notopodytes foetida)

Explanation -For the purposes of this entry, "Mangrove" includes *Rhizopliora mucronata (Lamk), Rhizophora apiculata (Biam), Ceriops candolleana (Ara), Kandelia rheedei "(Wight),Bruguicra gymnorhiza(Lamk), Lumnitzera recemosa (Willd), Sonneratia apetala (Buch Ham), Sonneratia acida (Dinn), Avicenia officinalis(Linn), Avicenia marina (Linn), Acanthus ilicifolius, Aegiceras majus and Salvadora persica (Linn).]*

***** For Sindhudurg District following additional included 7 species are in the schedule 1) Dalbergia latifolia 2) Gmelina arboria 3) Lagerstroemia lanceolata 4) Terminalia belerica 5) Strychnes nuxvomica 6) Euginia zeylanica 7) Terminalia arjuna

3. After careful consideration, all issues relating to felling of trees and transit permission that are essential for the establishment of industrial units, which are situated in lands that are Private land and not notified as Reserve Forest, Protected Forest or

recorded as unclassed forest, identified forest, Mangrove forest, Zudpi Jungle etc. in Government record the Government hereby issues following guidelines. These guidelines, however, do not in any way affect the Statutory Acts, Rules and Regulations relating to the management of trees on non-forest lands, but are expected to provide clarity and uniformity and simplify the procedure for tree-felling and transit permission.

Tree Felling Permission:-

4. The detailed procedure covering all applicable steps from submission of application to approval of application online is available on Department's website (www.mahaforest.nic.in).

The Form of Application is as follows:-

5. The sample filled format of Application is as below which is to be submitted to tree officer.

FORM I

<u>Application Register No. : 2015/ABAB/21/110</u>

Application for permission under section 3(1A) of the Maharashtra Felling of Trees (Regulation) Act 1964

To,
The Tree Officer

RFO ---------

At. Post ---------- Ta -------- Dist -----------

E-mail:

Name of the applicant:

Occupation:

Residence/Contact Address:

Mobile No.: E-mail:

I request that I may be permitted to fell the tree/ trees specified in the column No. (3) of the table hereto, which is/are standing on the land described in column 1 and 2 of that table for the purpose specified below. I have enclosed the required documents.

*The tree/trees which I desire to fell *is/are dead/diseased/windfallen has/have silviculturally matured/constitutes/constitute an obstruction to efficient agriculture.I desire to fell tree/trees for utilising its/their wood for:

PROFORMA

Particulars of Location		Particulars of land			Particulars of the trees (scheduled trees)		
District		Survey No	Part/Sub Part No	Area			
Taluka					Species	No. of trees existing on the land	No. of trees to be thinned/ felled
Village							
		Total area of the Land					

Date:

Place: village name **Signature**

(Name of applicants)

* To be struck off, if not applicable

! To be retained where the tree/trees sought to be felled is or not dead, diseased, windfallen or silviculturally mature or does not or do not constitute an obstruction to efficient cultivation.

(**Disclaimer:** The mere submission of the application doesn't ensure that it has been accepted by the department as complete in all respects. <u>A separate acknowledgement shall be intimated to the applicant, when application is found complete in all respect.</u>)

Attached Documents:

6. Checklist of documents required for felling of trees under Maharashtra Felling of Trees (Regulation) Act, 1964 along with Application.

i. A copy of 7/12 from Talathi indicating details of Trees.

ii. If the owner is more than one as per 7/12, then consent letter of each owner with Photographs from Setu.

iii. Village form No. 8-A from Talathi.

iv A copy of Record of Rights, Mutation Register from Tahasildar.

v. Map of related Survey No. (Settlement / Re-measurement/consolidation map) and in case the survey number is adjoining to Govt land, certified land from Tahsildar.

vi. Boundary Certificate indicating names of adjoining Land owners and the Survey Nos. from Talathi.

vii. Certificate from Tahsildar/NaibTahsildar regarding ownership of land and trees in case of Class I Land owner (Bhogwatdar-I) and from SDO/ Tahsildar in case of Class-II Land owner (Bhogwatdar-II).

viii. Caste Certificate from Tahsildar/NaibTahsildar, if the applicant belongs to scheduled tribe, the certificate is to be from SDO, Revenue.

ix. Details of trees as per Survey No.10. Permission from Collector in case of trees within 30 meters of the extreme edge of the bank or any water course, spring or tank.*

x. Permission from Collector in case if the tree growth in the uncultivable land is less in proposition to 20 trees per acre.*

xi. Undertaking to plant trees as specified by tree officer.

*As per the Maharashtra Land Revenue (Regulation of right to trees etc.) Rules 1967 (Note: If the authorised officer to issue the certificate is different than indicated above, then certificate from such authorised officer of the concerned department need to be attached.)

7) **Clear timelines are notified as follows:-**

S.No.	Particulars	Time Limit
1	Issuing Acknowledgement to the Applicant: Verification of application and accompanying documents to ascertain completeness of the application as indicated at the Website and major issues given below: a) To ascertain the ownership of the application over land and Trees. If the applicant is Bhogawatdar-II, whether the certificate from appropriate authority is attached. b) If the caste of applicant is scheduled Tribe, whether the certificate from appropriate authority is attached. c) To ascertain the location and shape of the survey number same as per settlement, re-measurement and consolidation maps provided by the applicant. d) The said Survey number is not a part of notified Reserve forests/protected forests/zudpi jungle/unclassed forests/ acquired private forests /identified forests. e) Whether the applicant's land is adjoining to Govt. land, if so survey map by TILR attached or not.	7 days
2	Tree Officer will arrange for forest survey when the applicant's land is adjoining to Govt. forest land for verification of boundary through TILR map provided by the applicant and other relevant documents. He will also arrange for joint survey (forest surveyor and TILR) if required. The concerned Round Officer shall be present at the time of survey.	15 days
3	Tree officer will send all the case papers to concerned Round Officer for document verification and field inspection. The Round Officer shall – a) Verify the details mentioned in the application, 7/12 extract and attached documents. b) Check boundary of Survey number as per map provided by the applicant and ensure that the trees required to be felled are within the Survey number and belongs to occupants only and no other trees are included.	8 days

	c) Verify the list of trees species-wise, girth-class wise, as given in the application and correct the same, if necessary, and also record the status of the trees – dead, dying, diseased, silviculturally matured etc. d) Verify whether permission is obtained from District Collector for felling of trees within 30 meters of extreme edge of the bank of any watercourse. e) Verify whether permission obtained from District Collector, in case, if the tree growth in the uncultivable land is less in proportion to 20 trees per acre. f) Collect NOC from adjoining land owners as per boundary certificate. g) Verify the consent letter of remaining occupants mentioned in 7/12 for felling of trees. h) Drawing the Panchanama, regarding the above observations and submit report alongwith recommendation to the Tree Officer.	
4	Submission of report by Round Officer to the Tree Officer	2 days
5	Based on the observations/recommendations of Round Officer, the Tree Officer will call objections from public if any, by way of issuing Advertisement (Jahirnama) in Gram Panchayats. Enquire into the objections received and process the application accordingly.	15 days
6	Field inspection and related enquiries by Tree Officer. (a) The Tree Officer on the basis of report received from the Round Officer and available documents and after field inspection and making necessary enquiry will ensure that the trees to be felled belong to occupant and no other trees are included. (b) The Tree Officer will decide the species-wise number of trees permitted to be felled after inspecting status of trees, as per Maharashtra Felling of Trees (Regulation) Act and Rules made there under. (c) The tree officer may also decide the number of trees to be planted by the applicant, if necessary, in the ensuing rainy season	10 days
7	Communication of decision by the tree officer to the applicant	3 days
	Total time required	60 days

P.S. :- ***For industrial purpose- Proposal shall be expedited and tree felling permission shall be granted within 30 days period as a special case.***

8) The Tree Felling Permission document can be viewed and downloaded online by any third party using the Application ID Number.

9) **Procedure for grant of Tree-felling Permission - Method of Application:**

Any person/owners of land parcel situated in rural areas, desiring to fell trees belonging to species specified in schedule of the Act can make online application.

Online Application: The Government of Maharashtra has included this service to the citizen in "Right to Services Act 2015". The official website of Maharashtra Forest Department www.mahaforest.gov.in offers a link to RTS at its main page. Once the user has navigated to the RTS page, it lists various services offered by Forest Department to the citizen notified under "RTS Act 2015". The user has to select appropriate link to apply online. He is also expected to submit documents required as attachment. Once he has successfully submitted his application along with required attachments, he is allotted a ***Application ID***, which helps him in tracking status of his application at the same website. The application and attachments are then expected to be submitted to Tree Officer in hard copy by post or person.

Fees: Presently, there is no fee prescribed for the service.

10) **Replanting requirement:**

As per section 3(1B) of the Maharashtra Felling of Trees (Regulation) Act, 1964; the permission to fell trees shall be granted subject to the condition that the applicant shall plant equal number of trees of the same or any other species as the Tree Officer may direct, on the same site or other suitable place in the vicinity in the ensuing plantation season.

11) **Penal Provisions**:- For tree species mentioned in the Schedule under Maharashtra Felling of Trees (Regulation) Act, 1964 prior felling permission from tree officer will be required. If such trees are felled without prior permission, the same will be an offence under the Maharashtra Felling of Trees (Regulation) Act 1964 and the offender will be liable for punishment under the provisions of Maharashtra Felling of Trees (Regulation) Act/Rules and Maharashtra Forest Rules 2014.

Risk Assessment and Tree Species to which Felling Permission required:- Under Maharashtra Felling of Trees (Regulation) Act 1964, the tree species mentioned in the Schedule of act are classified based on risk factor and accordingly only following 15 species ***** of tree will require felling permission of tree officer in rural areas which are *1)Tamarindus chebula(Hirda) 2) Teak (Tectona grandis) 3) Madhuca latifolia (Mahua, Moha) 4) Mangifera indica (Mango)(excluding grafted mango) 5) Acacia catechu(Khair) 6) Sandal (Santalum album) 7) Pterocarpus marsupium (Bija) 8) Adiana Cordifolia (Haldu) 9) Ougenia dalbergoidus (Tiwas), 10) Terminalia tomentosa (Ain) 11) Terminalia paniculata (kinjal), 12) Hardwiclia binata (Anjan) 13) Sygegium cumini (Jambhul) 14)*

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12) **Inspection Norms:-**Considering the value & important of the species Vis-a, Vis-its risk importance following will be the inspection norms for Range Forest Officer & Forester. The Range Forest Officer will select the Forester randomly to carry out inspection.

- **Inspection of schedule trees of industrial plots**.
  - The Forester will inspect 100 % trees in the plot & Range Forest Officer will inspect 50% of the trees to be felled.
  - Trees inspection is to be carried out randomly by Range Forest Officer.
  - If the area is more than 2 ha. then Assistant Conservator of Forests/ Sub Divisional Forest Officer will also carry out inspection of 10 % of trees.
  - The trees to be inspected by R.F.O. & Sub-Divisional Forest Office will be finalized by random generation method.

14. **Inspection report to be up-loaded within 24 Hrs. from inspection-**

The inspecting officer shall complete inspection & submit and up-load inspection report immediately within 24 hours of inspection.

15. **Tree Felling Permission**:-On the receipt of the inspection report from the above authorities, the Tree Officer will accord tree felling permission and up load the order of felling within 3 days.

16. **Deemed Permission**- If the Tree Officer fails to accord/reject tree felling permission within 60 days than it is presumed that deemed felling permission is given to the applicant.

17. **Appeal to the Collector if the felling permission rejected**- If the Tree Officer rejects the application for the felling the trees duly recording the reasons, the applicant can file an appeal within a period of 15 days to the Collector having jurisdiction over the area through application from the date of receipt of the order & the Collector shall after giving reasonable opportunity of being heard may pass such order as he may deem fit & the order of the Collector shall be final & binding.

18. **Final Approval Certificate and Third Party verification and certificates of last two years:-** All tree felling permissions along with the inspection reports shall be up loaded on the web site of the department. These can be downloaded by the applicant for the applications. These certificates shall be available in public domain for viewing for the third party verification. For the year 2015 and 2016 the Felling permissions and Inspection Certificates related to industrial use are to be up loaded immediately and copies of rest of the permissions shall be uploaded before 30.6.2017

19. **Transit Pass Permission**:- After obtaining permission for felling of tree from the competent authority, the applicant will take up tree felling and submit application to the Range Forest Officer having the jurisdiction for issue of Transit Permit under Maharashtra Forest Rules 2014 for transport of the felled material.

20. **Procedure, Documents and Period required for Transit Pass Permission:-**

- Transit Pass User should go to **mahaforest.gov.in** website. Find Important Links in right side of home page. Then user has to click on **RTS Public Services** icon.
- After click on the RTS Public Services next screen will appear. On that screen user can see the link of Registration for Transit Pass Link.
- On clicking on Transit Pass Registration form will open user has to enter all the information and then click on **Submit** button.

Following information is needed to submit the form:-

- Individual or Organization

- Firm Name (if Organization has selected)
- Firm Address (if Organization has selected
- Applicant Name (This name should be printed in Transit Pass & Challan)
- Applicant Address
- District
- Taluka
- Pin code
- Email id (Enter valid E-mail address for user activation)
- Mobile No
- Aadhar Card/Voter ID/Pan Card/License No/Bank Passbook/Document any other legally valid registration no to be uploaded
- File Upload
- Username (To login into Transit Pass Application)
- Password

When all the information is submitted user can receive the Activation Link on his/her given E-mail address. User should login to his/her E-mail to see the Activation Link.
After clicking on the Activation Link next screen will appear.

- After clicking on Login button, user should select login as a **Transit Pass User**
- After login user shall see the below User Panel Screen. In the left menu of user panel Transit Pass Application can view the following menus.
- Password Change Password
- Log Information Permission Order
- TP Request TP Application
- Status Application Status

In Password menu

- User can change his/her password as shown.
- User should select "Tree Felling Permission From" user can select by Forest/Tree Officer, Revenue Authority/District Collector, Municipal/Tree Authority or Any Other Valid Authority Issuing Transit Pass as shown.

Following information is needed to submit the above form

- Select tree felling permission from
- Upload order no
- Select Order/Legal Authentic Document
- Logs Detail upload

- After submitting the form below list will be generated.

User needs to enter the following fields

- Tree No (Optional)
- Log No
- Select Species
- Length in (cm)
- Girth in (cm)
- Volume
- Remark

Note: User needs to verify header information prior to enter the log details as per the log sheet document uploaded. Once logs are added in the list user can Freeze the log sheet by clicking on **Freeze Log Sheet** button.

Once data is freeze user cannot edit the data and new logs cannot be added against that order number ever. So user should check all the information before clicking on **Freeze Log Sheet** button.

In TP Request menu

- ➢ User has to add the following two types of information.
    - Produce Location Detail
        - ✓ a. District
        - ✓ b. Taluka
        - ✓ c. Mauza/Nagar/Village
        - ✓ d. Survey No.
        - ✓ e. Gut No.
        - ✓ f. Jurisdiction Office (under the Forest Range Office)

  and
- ➢ B. Transportation Information
    - ✓ a. Origin of Produce (Source Address)
    - ✓ b. Destination Full Address
    - ✓ c. Approximate route of Transit (Like Source-Location1-Location2-Destination)
    - ✓ d. Remark

- ➢ Once data has added, User should click on **Add Log** button.

- Once user clicks on **Add log** button user needs to select Order number then click on search button on the screen which will appear.
- After searching for order number logs details will be shown against that order then user can add the same.
- If user has entered wrong data against the given application, user can delete the same with delete button by clicking on **Delete** button.

Once Transit Pass Log details are added user can then click on **Apply Application for TP** button to apply for Transit Pass.
User can see the underlined line as **This TP Application Marked to Division Office for issuing Transit Pass order to concerned Range Office**, it means that application has sent to the respective Division office.

In Status Menu

User can view the status of the application by clicking on Status∟ **Application Status** as shown on the screen.

If user wants to see the Transit Pass Application detail, he/she should click on **View Application** link as shown in above screen. After clicking on the link a screen will appear, so user can easily monitor his/her application status

21. For issuing transit passes the Divisional Forest Officer/Range Forest Officer concern shall follow the provisions under Maharashtra Forest Rules 2014 & orders issued by Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur from time to time.

22. **Inspection report to be up-loaded within 24 Hrs. from inspection-**

The inspecting officer shall complete inspection & submit and up-load inspection report related to transit permit immediately within 24 hours of inspection of material which is to be transported.

23. The transit pass order is to be issued within 30 days from the date of receipt of application from the applicant.

24. All transit permissions along with the inspection reports shall be up loaded on the

website of the Department which can be downloaded by the applicant for their applications for the year 2015 and 2016 the transit permission and inspection reports related to industrial use are to be uploaded immediately and copies of rest of the permissions to shall be uploaded before 30.06.2017All these certificates shall be available in public domain for verifying by the 3rd party.

25. These guidelines are also applicable to regular tree felling permissions and transit permission issued by the empowered authorities of the Forest Department.

The Principal Chief Conservator of Forests (Head of Forest Force) is empowered herewith to amend and issue revisions in the guidelines if and when necessary unless it involves any issue which needs sanction from State Govt.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201704271324498819. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

Sujay Dodal

Digitally signed by Sujay Dodal
DN: c=IN, o=Government Of Maharashtra, ou=Revenue and Forest Department, postalCode=400032, st=Maharashtra, 2.5.4.20=353112ee0fa47f9ff9bedae88f651d09fdb142df5fbce9c004f7eea06d8b9baf, cn=Sujay Dodal
Date: 2017.04.27 13:26:04 +05'30'

(Sujay Dodal)

Joint Secretary (Forests)
Government of Maharashtra

Copy to:

1) Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur.
2) Principal Secretary (Industries), Mantralaya, Mumbai for information.
3) Principal Chief Conservator of Forests (Wildlife), Maharashtra State, Nagpur
4) Principal Chief Conservator of Forests (Production and Management), Maharashtra State, Nagpur.
5) Principal Chief Conservator of Forests (Social Forestry), Maharashtra State, Pune.
6) Additional Principal Chief Conservator of Forests (Protection), Maharashtra State, Nagpur.

7) Additional Principal Chief Conservator of Forests (ALL) , Maharashtra State, Nagpur
8) Development Commissioner, Industries Department New Admin. Bldg. for information.
9) Chief Conservator of Forests (Forest Regulation) Nagpur
10) Chief Conservator of Forests (Territorial) (All)
11) Chief Conservator of Forests (Wildlife) (All)
12) Chief Conservator of Forests (Functional) (All)
13) Deputy Conservator of Forests (All)
14) Conservator of Forests (All)
15) Deputy Conservator of Forests (All)
16) Divisional Forest Officers (All)
17) Order file.